IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 4105 of 2007

Date of decision : March 19, 2007.

Adarsh Vidya Mandir & others,

.....Petitioners.

Through Mr.Akshay Bhan, Advocate

v.

Chandigarh Administration & others.

.....Respondents

CORAM : HON'BLE MR.JUSTICE VIJENDER JAIN, CHIEF JUSTICE
HON'BLE MR.JUSTICE RAJIVE BHALLA

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1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

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By way of the present writ petition, the petitioners, who are admittedly running private schools, within residential areas, impugn the public notice, dated 22.1.2007 (Annexure 10A), directing all Managers and Principals of the schools running in residential buildings at Mani Majra and Mauli Jagran (parts of U.T.Chandigarh) to be closed by 30.3.2007. Challenge has also been laid to an order, dated 8.2.2006 (Annexure P-10), notices, dated 24.11.2006 (Annexure P-9), as also the notice, dated 2.11.2004 (Annexure P-5).

Counsel for the petitioners, inter alia, contends that the impugned notices and the order are illegal, unjust and arbitrary, as in a

meeting, held on 31.8.2006, the Municipal Corporation, Chandigarh agreed to allow private schools to run after 31.3.2007. It is contended that no opportunity of hearing has been granted to the petitioners, in terms of the reply, dated 8.12.2004. The respondents have adopted a pick and choose policy by allowing schools, being run by certain communities, to continue functioning. It is further argued that the schools are being run in Mani Majra since 1994. Mani Majra was included in the area of Municipal Corporation, Chandigarh, vide notification dated 27.7.1994. It is further contended that the petitioners are running schools to impart education to poor sections of the society in private premises and, therefore, they should be permitted to continue to run the schools.

We have heard learned counsel for the petitioners and perused the paper book.

We express our inability to accept the contentions, raised by counsel for the petitioners. Pursuant to orders, passed in CWP No.8094 of 1997, Vinod Kumar Jain vs State of Haryana and others, reference whereto has been made in the impugned order, as also in the public notice, a direction has been issued to the petitioners to stop running schools in residential buildings w.e.f 31.3.2007. The impugned notice is based upon directions, issued in the aforementioned writ petition, pursuant whereto a high powered committee was constituted to take a decision for shifting/closing of schools, being run in residential buildings in the city of Chandigarh. The high powered committee, in a meeting held on 28.2.2005, took a decision that all schools, running in residential buildings in the city of Chandigarh, shall be closed at the end of academic session 2005-2006 i.e 30.4.2006. The aforementioned decision led to the issuance of a public

notice, Annexure P-10A. The pleas, raised by the petitioners in their representation to the respondents, were considered by the high powered committee. As the petitioners are admittedly running schools in the residential premises, the fact that the schools were in existence prior to Mani Majra being included in the area of Municipal Corporation, Chandigarh, would be irrelevant. Educational institutions must not be allowed to run from residential premises and, therefore, we find no illegality or infirmity in the impugned notices/order. The contention that the Municipal Corporation, Chandigarh has allowed use of residential buildings beyond 31.3.2007 is belied by the impugned order, dated 8.2.2006 (Annexure P-10). The said order has been issued by the Additional Commissioner, Municipal Corporation, Chandigarh. It is, thus, apparent that the resolution, relied upon by the petitioners, is no longer in operation. It would be necessary to mention that the controversy has been pending before the Chandigarh Administration, as also the Municipal Corporation, Chandigarh since 2004 and on one pretext or other, the petitioners have managed to perpetuate the misuse of residential premises.

In view of what has been noticed herein above, the present petition is dismissed.

(VIJENDER JAIN)
CHIEF JUSTICE

(RAJIVE BHALLA)
JUDGE

March 19, 2007.
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